

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

RUTHIE LEE WELLS

§

PLAINTIFF

§

v.

§

CAUSE NO. 1:05CV394

§

**THE PANTRY, dba KANGAROO
STORE NO. 3393**

§

DEFENDANT

§

ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

THIS CAUSE CAME BEFORE THE COURT for hearing on the Motion for Summary Judgment filed by Defendant The Pantry, d/b/a Kangaroo Store No. 3393 [16 and 25]. A hearing was conducted on October 26, 2006, at which counsel for both parties appeared. For the reasons stated into the record at hearing, the Court finds that there is no question of material fact for the jury in regard to Plaintiff's claim against the Defendant. The Defendant is therefore entitled to judgment as a matter of law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion for Summary Judgment filed by The Pantry, dba Kangaroo Store No. 3393 [16 and 25] is **GRANTED**. Plaintiff's claims are **DISMISSED WITH PREJUDICE**.

SO ORDERED AND ADJUDGED this the 26th day of October, 2006.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE